

**BRYAN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
MARCH 22, 2016 – 5:30 P.M.**

A regular meeting of the Bryan City Council was held on Tuesday, March 22, 2016, in the Council Chambers of the Bryan Municipal Building, a notice of said meeting having been posted at least 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Jason Bienski and Councilmembers Al Saenz, Rafael Pena, Greg Owens, Mike Southerland, Ben Hardeman and Buppy Simank were present. City Manager Kean Register, City Attorney Janis Hampton and City Secretary Mary Lynne Stratta were present.

**1. CALL TO ORDER**

The meeting was called to order at 5:50 pm

**2. INVOCATION AND PLEDGES OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS**

Pastor Larry Reinecke, Christ's Way Baptist Church, gave the invocation and the pledges were led by Anna Kellett, Daughters of the Republic of Texas.

**3. PROCLAMATION AND PRESENTATIONS**

Salvation Army representatives presented Mayor Bienski with the Salvation Army Mayor's Bell Ringing Challenge trophy, marking the ninth consecutive year the City of Bryan has collected the most money in the challenge. Through these efforts, 2,300 children in the area received assistance. A joint proclamation in recognition of National Community Development Week was presented.

**4. HEAR CITIZENS**

Mr. George Lewis, 1201 Clark Street; Mr. Ben Pope, 1504 Ursuline Avenue; and Mr. Larry Gilbert, 2902 Highway 21 West, spoke in support of agenda item 7 e. Mr. Tim Lomax, 1214 Haddox, College Station; Mr. Michael Phillips, 1507 Barak Lane; Mr. Glen Brewer, 4721 Hunington; Mr. Doug Pederson, 10942 Lakefront, College Station; and Mr. Michael Parks, 3506 Oak Hollow, spoke in support of agenda item 6 h. Mr. Parks also spoke in support of agenda item 7 b. Mr. Raul Santana and Mrs. Grace Santana, 104 South Sterling, spoke in opposition to a west side historic district. Mr. John Miller and Mrs. Debra Miller, 714 Williamson, spoke about railroad noise and a new skate park, respectively. Ms. Alice Martinez, 305 Trant Street; Mr. Roy Flores, 507 East 31<sup>st</sup> Street; and Mr. Victor Martinez, P.O. Box 10876, Houston, spoke about a demolition order of the Building and Standards Commission regarding 305 Trant Street.

**5. CONSENT (AUTOMATIC APPROVAL) AGENDA**

Councilmember Peña moved to approve the consent agenda. The motion was seconded by Councilmember Saenz and carried unanimously.

- a. Approval of Minutes** –Workshop and Regular Meetings of February 23, 2016, and Special Meeting of February 29, 2016

**b. Consideration – Easement for Wellborn Special Utility District**

Consider authorizing the Mayor to sign an easement granting Wellborn Special Utility District a 20-foot waterline easement across Well 18 property.

**c. Consideration - Public Safety Records Management System Upgrade with TriTech Software Systems**

Consider approving a contract with TriTech Software Systems for a records management system upgrade for public safety records in an amount not to exceed \$107,897.00.

**d. Consideration – New Camera System at Justice Center**

Consider upgrading, replacing, and installing a new camera system at the Justice Center building in an amount not to exceed \$118,267.33. Source of Funds: Unreserved fund balance.

**e. Consideration – Payment to Wellborn Special Utility District**

Consider approving a payment to Wellborn Special Utility District, formerly OSR Water Supply Corporation, for water supplied to City of Bryan customers acquired through a Certificate of Convenience and Necessity (CCN) transaction in an annual amount not to exceed \$115,000.00. Source of Funds: Water Operating Fund.

**f. Consideration – Spoils Pile Removal at Municipal Service Center**

Consider approving a contract to remove spoil material from the Municipal Service Center (MSC) with Brazos Site Works in an amount not to exceed \$149,999.98. Source of Funds: Transportation, Water and Wastewater Operating Budgets.

**g. Second and Final Reading of an Ordinance – Rezoning Request RZ16-01**

Second and final reading of Ordinance No. 2143 of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Residential District – 5000 (RD-5) to Office District (C-1) on 0.5015 acres of land located on the west side of the 1400 block of Woodland Drive between South Gordon Street and Bethel Lane being Lot 18-R4 in Block 1 of Cavitt’s Woodland Heights Subdivision – Phase 2 in Bryan, Brazos County, Texas.

**h. Second and Final Reading of an Ordinance – Police and Fire Staffing and Updated Certification Pay Structure for Fiscal Year 2016**

Second and final reading of Ordinance No. 2144 of the City of Bryan, Texas, repealing Ordinance No. 2072 adopted by the City Council pertaining to classifications and number of positions in the fire and police departments pursuant to Chapter 143 of the Texas Local Government Code; adding six firefighter positions in the Bryan Fire Department as approved in the fiscal year 2016 budget; adding three police officer positions in the Bryan Police Department as approved in the fiscal year 2016 budget, and authorizing the updated certification pay structure for the Bryan Fire Department. Source of Funds: General Fund.

**6. STATUTORY (AUTOMATIC APPROVAL) AGENDA**

It was announced agenda items 6 c, 6 g, 6 h and 6 n would be removed from the statutory agenda for separate consideration. Councilmember Peña moved to approve the remainder of the statutory agenda.

The motion was seconded by Councilmember Southerland and carried unanimously.

**a. Consideration – Reject Bid for CHI St. Joseph Hospital Area Improvements**

Consider rejecting the bid for improvements along East 29<sup>th</sup> Street and Villa Maria Road adjacent to CHI St. Joseph Hospital area from Larry Young Paving in the amount of \$2,952,449.95. Source of Funds: General Fund and Various Enterprise Funds.

**b. Consideration – Reject Bid for Old Reliance Road Shoulder Widening**

Consider rejecting the bid for the Old Reliance Road Shoulder Widening project from Brazos Paving, Inc., in the amount of \$550,095.00. Source of Funds: Transportation Fee.

**d. Consideration – Second Amendment to Professional Services Agreement with CHI St. Joseph Health**

Consider approving a second amendment to a professional services agreement with CHI St. Joseph Health for the management and operation of the City of Bryan/Bryan ISD Employee Health Center to add additional clinic staff as it becomes necessary based on sustained utilization of the clinic, increasing the annual budget by \$119,000.00, and authorizing the City Manager to implement the approved additional staffing. Source of Funds: Employee Benefits Fund.

**e. Consideration – First Amended Agreement for Legal Services, Mathews and Freeland, L.L.P.**

Consider approving a first amended agreement for legal services with Mathews and Freeland, L.L.P., for representation in connection with the ground water district, Texas Commission on Environmental Quality (TCEQ) and other water law-related matters in an amount not to exceed \$150,000.00. Source of Funds: Water Services Fund.

**f. Consideration – Coulter Airfield 100LL Fuel Tank Replacement**

Consider awarding the Coulter Airfield 100LL fuel tank replacement to Cobb Environmental for the replacement of the existing 100LL fuel tank farm in the amount of \$195,903.79. Source of Funds: General Fund.

**i. Consideration – Old Hearne Road and Wilkes Street Reconstruction and Drainage Improvements**

Consider awarding the construction contract for Old Hearne Road and Wilkes Street Reconstruction and Drainage Improvements Project to Larry Young Paving in an amount not to exceed \$7,230,537.40. Source of Funds: 2014 Certificates of Obligation, General Fund, and Various Enterprise Funds.

**j. Consideration – Contract for Land Acquisition for Old Hearne Road Phase 1 Project**

Consider approving a land services contract for the Old Hearne Road Phase 1 project to Threshold Land Services, Inc., in an amount not to exceed \$98,697.00. Source of Funds: General Fund to be reimbursed by Fiscal Year 2016 bond proceeds.

**k. Consideration – Design Services Contract for Old Hearne Road Phase 1 Project Amendment**

Consider approving an amendment to the design services contract for Old Hearne Road Phase 1 Project to expand the scope of the project to include traffic signal railroad preemption and a

sidewalk extension in an amount not to exceed \$33,000.00. Source of Funds: General Fund to be reimbursed by Fiscal Year 2016 bond proceeds.

**l. Resolution – Reimbursement for Old Hearne Road Phase 1 Land Acquisition and Design Amendment**

Adoption of Resolution No. 3649 of the City Council of the City of Bryan, Texas, expressing official intent of the City of Bryan to reimburse \$131,697.00 of the City of Bryan, Texas, capital expenditure for the Old Hearne Road Phase 1 project land acquisition and design. Source of Funds: Fiscal Year 2016 bond proceeds.

**m. Resolution - Criminal Justice Division Training and Equipment Program Grant**

Adoption of Resolution No. 3650 of the City Council of the City of Bryan, Texas, authorizing the Mayor to approve a Criminal Justice Division grant application reflecting the City's acceptance of the \$18,177.87 grant from the State of Texas Criminal Justice Division, and authorizing City staff to submit annual and/or status reports as necessary and other reporting documents to the Criminal Justice Division to comply with the grant terms.

**o. First Reading of an Ordinance – Fiscal Year 2016 Budget Amendment 1**

First reading of an ordinance of the City of Bryan, Texas, amending Ordinance No. 2117 increasing the expenditure budget appropriations for fiscal year 2016 from \$390,537,933.00 to \$404,717,209.00.

Council then considered the items removed from the statutory agenda for separate consideration.

**c. Consideration – Notice of Encroachment for 1604 Cassib**

Councilmember Southerland moved to return this item to the staff for consideration of curing the encroachment if possible. The motion was seconded by Councilmember Peña. It was explained this agenda item was to allow the homebuyer to benefit from the City's down payment assistance program and proceed to closing on the property with a clear title. Accordingly, Mr. Southerland withdrew his motion without objection. Councilmember Hardeman moved to approve a Notice of Encroachment for 1604 Cassib Street between Bryan-College Station Habitat for Humanity, the homebuyer and the City of Bryan, to allow the homebuyer to benefit from the City's down payment assistance program. The motion was seconded by Councilmember Peña and carried unanimously.

**g. Consideration – Pool Maintenance and Equipment Needs**

Mayor Bienski moved to authorize funds for the purchase of equipment to complete the Sadie Thomas Pool Project in an amount not exceed \$33,681.00 and funds to re-plaster Henderson Harbor in an amount not to exceed \$105,000.00 (Source of Funds: Parkland Development Fund and General Fund). The motion was seconded by Councilmember Hardeman. Funding sources were listed. The motion carried unanimously.

**h. Consideration – Third Amendment to Agreement with Infinity Sports Entertainment, L.L.C.**

Mayor Bienski moved to approve a third amendment to the agreement with Infinity Sports Entertainment, L.L.C., to provide for improvements to the leased premises commonly known as Travis Major Baseball Field and an area immediately surrounding the field in an amount not to exceed \$324,754.00 (Source of Funds: General Fund). The motion was seconded by

Councilmember Owens. Councilmember Southerland moved to postpone consideration until after the consideration of agenda item 7 b. The motion was not considered due to the lack of a second. The main motion carried unanimously.

**n. First Reading of an Ordinance- Amending Chapter 126 “Vehicles for Hire”**

Councilmember Southerland moved to approve the first reading of an ordinance of the City of Bryan, Texas, amending Chapter 126 “Vehicles for Hire” of the City of Bryan Code of Ordinances, by revising Article I, “In General”, revising Article II “Horse-Drawn Carriages”, revising Article III “Taxicabs, revising Article V, “Pedicabs” and adding Article VI, “Transportation Network Companies”; providing for penalty, providing for publication, and providing an effective date; with changes to require general liability for all operations in the same manner and background checks as recommended by the Police Chief. The motion was seconded by Councilmember Saenz. Staff explained that state law sets out the insurance requirements for transportation network companies (TNC’s). It was added that insurance requirements for non-fixed base operator taxi companies were the same as required for TNC’s. It was reported Chief Buske was in agreement with the background check requirements contained in the ordinance. Accordingly, Councilmember Southerland withdrew his motion without objection.

Councilmember Hardeman then moved approval of the first reading of an ordinance of the City of Bryan, Texas, amending Chapter 126 “Vehicles for Hire” of the City of Bryan Code of Ordinances, by revising Article I, “In General”, revising Article II “Horse-Drawn Carriages”, revising Article III “Taxicabs, revising Article V, “Pedicabs” and adding Article VI, “Transportation Network Companies”; providing for penalty, providing for publication, and providing an effective date; as written. The motion was seconded by Councilmember Southerland and carried unanimously.

**7. REGULAR AGENDA**

**a. Consideration – Appointment to Vacancy on Parks and Recreation Advisory Board**

Mr. Paul Torres was appointed to a vacancy on the Parks and Recreation Advisory Board with the affirmative vote of five Councilmembers.

**b. Consideration – Bryan Regional Athletic Complex (BRAC) Design Contract**

Regarding this agenda item submitted by two Councilmembers, Deputy City Manager Hugh Walker showed conceptual drawings for a possible expansion of BRAC. He discussed the approach, project schedule and fee summary of \$1,340,750 submitted by Burditt Consultants for the design of the entire project, which was estimated to cost around \$16 million. The possible sources of funding were discussed. Mr. Register advised funding the entire design contract amount would change the five-year pro forma. The possibility of having the design work done in phases was mentioned. Councilmember Peña moved to suspend the rules to allow the consultants to address the Council. The motion was seconded by Councilmember Southerland and carried unanimously. Mr. Shane Howard and Mr. Charles Burditt reported a phased approach could produce a master plan by July 31 at the cost of \$435,000. Suggested and required elements of the project were discussed as well as the need for public input. Chief Finance Officer Joe Hegwood explained these costs were not budgeted and said he would recommend a phased approach to minimize budget impact in future years. Concern was expressed that the cost of the project could be reduced and that all options should be explored before any decisions were made. Accordingly, Councilmember Hardeman moved to postpone consideration of this item until the next Council

meeting in order to consider all options. The motion was seconded by Councilmember Simank and carried unanimously.

**c. Consideration – City Council Special Committee Regarding Wastewater Effluent**

It was explained why two Councilmembers placed this item on the agenda. It was pointed out 90 percent of the City’s effluent was being discharged into rivers with no customers to buy the effluent. Councilmember Hardeman moved to appoint Councilmembers Peña and Southerland to a special committee for the purpose of finding customers for the 90% of Bryan’s wastewater effluent that is now being discarded into creeks and rivers in Brazos County; proposed sale contracts should be brought back to the Council for discussion, consideration and possible action at the second regular meeting being held in April, being April 26, 2016. The motion was seconded by Councilmember Simank. Proposed rules that were detrimental to Bryan relative to groundwater permits was mentioned. It was also stated the City possibly could put treated wastewater back into the groundwater supply for “credit” with the groundwater conservation district. The motion carried unanimously.

**d. Consideration – Neighborhood Conservation District Update**

As to this agenda item submitted by two Councilmembers, City Attorney Hampton explained that any proposed changes to the text of the zoning ordinance had to be considered by the Planning and Zoning Commission before Council consideration. Councilmember Southerland moved to direct staff and the City Attorney to refer this item about updating Section 130.31, Residential-Neighborhood Conservation District, of the Code of Ordinances, to the Planning and Zoning Commission to appear on the Commission’s April 21, 2016, agenda. The motion was seconded by Councilmember Peña and carried unanimously.

**e. Consideration – TxDOT Project on Sandy Point Road**

Regarding this agenda item submitted by two Councilmembers, Councilmember Peña moved to direct City staff to select a design consultant to design the improvements for Sandy Point Road according to the Texas Department of Transportation (TxDOT) request (widen to three lanes with sidewalks, storm sewer, curb and gutter) from State Highway 21 to the end of Brazos County’s property (estimated cost of construction \$1,000,000) and bring the design contract back to Council for approval and to commit funding for the City’s portion, \$250,000 (25% of total), as requested by TxDOT. This action should be completed as soon as possible but no later than the first Council meeting in April 2016. The motion was seconded by Councilmember Southerland. It was reported a Councilmember had met with TxDOT representatives about this proposed project to include curb, gutter, storm sewer, a third lane and sidewalks along the designated portion of Sandy Point Road, with the City’s participation being \$250,000 for construction costs and \$150,000 for design costs. Public Works Director Jayson Barfknecht reported this project did not appear in the Capital Improvement Plan and clarified that TxDOT had indicated the City should pay the estimated design costs of \$150,000 to \$200,000, and also contribute another \$250,000 to the project costs. Brazos County has not committed to assisting with the project. Dr. Barfknecht said that an advanced funding agreement with TxDOT would be necessary and that design costs needed to be determined before proceeding. It was questioned if a sidewalk on both sides of the road was necessary and whether other projects were more critical. City Manager Register pointed out the Council had already authorized \$2.2 million in unbudgeted expenditures and questioned if the Council wished to reprioritize the Capital Improvement Plan to replace a project on the list with this project. Councilmember Southerland moved to direct Dr. Barfknecht to come back to Council with numbers and answers to all questions discussed. The motion was seconded by Councilmember Hardeman.

Dr. Barfknecht pointed out as much sidewalk as could be built without condemning right-of-way had already been built. Dr. Barfknecht added the City had tried to work with the adjacent apartment complex owner to allow a sidewalk through the property, but the owner has repeatedly declined. A Councilmember mentioned the City could condemn the property. Dr. Barfknecht advised he would provide the report with options and schematics. The motion carried unanimously.

## **8. CITY MANAGER REPORT**

Mr. Register provided updates on Sadie Thomas Pool construction progress, Bryan Aquatic Center improvements and other capital improvement projects.

## **9. ITEMS OF COMMUNITY INTEREST**

Councilmembers listed the following items of community interest: Boys and Girls Club summer swim lesson program, neighborhood cleanups, improvements to Castle Heights Park, Briarcrest Homeowners Association meeting, P3 conference attendance, continued July 4<sup>th</sup> celebration at the George H.W. Bush Presidential Museum, lifeguard recruitment, African American Museum banquet, Amigos del Valle de Brazos luncheon, Bryan Police Department awards banquet and award recipients, traffic calming program, downtown Bryan art and street fair, Firkin Fest in downtown Bryan, etc. Everyone who assisted with the Salvation Army bell ringing challenge was thanked.

## **10. ADJOURN**

Without objection, the meeting was adjourned at 9:05 p.m.

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City Secretary Mary Lynne Stratta

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Mayor Jason P. Bienski